

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MICROSOFT CORPORATION,

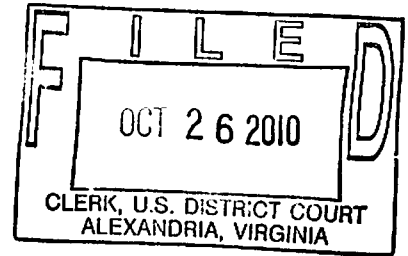
Plaintiff,

v.

JOHN DOES 1-27,

Defendants.

1:10:cv156 (LMB/JFA)



ORDER

Plaintiff Microsoft Corporation ["Microsoft"] asks the Court to enjoin the operators of 276 Internet domains - known as "botnets" - from spreading malicious software on the Internet in violation of the Federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030; the Controlling the Assault of Non-Solicited Pornography and Marketing Act, 15 U.S.C. § 7704; the Electronic Communications Privacy Act, 18 U.S.C. § 2701; and the Lanham Act, 15 U.S.C. § 1125. Plaintiff also alleges that the defendants are liable for common law trespass to chattels, unjust enrichment, and conversion. After all defendants failed to respond to the lawsuit, they were held in default. On September 17, 2010, a magistrate judge issued a Proposed Findings of Fact and Recommendation ("Report") [Dkt. No. 89] in which he recommended that a default judgment consisting solely of equitable relief be entered in the plaintiff's favor against defendants John Does 1-27.

The magistrate judge also advised the parties that any objections to the Report had to be filed within fourteen (14) days of the filing of the notice by Microsoft that service of the Report had been completed and that failure to file timely objections would waive appellate review of any judgment based on it. Microsoft, as directed in the Report, on September 17, 2010 transmitted via electronic mail a copy of the Report to the e-mail addresses identified in the registrant information for the 276 domains used to carry out the Waledac botnet. Microsoft also posted the Report on the www.noticeofpleadings.com website. On September 20, 2010, plaintiff transmitted via electronic mail a Chinese translation of the Report to the e-mail addresses on record and posted the translation on the www.noticeofpleadings.com website. On September 20, 2010, Microsoft provided third parties VeriSign, Inc., eNom/Demand Media, and Wild West Domains with the Report by Federal Express overnight mail. On September 22, 2010, Microsoft filed with the Clerk a Notice of Service to Defendants John Does 1-27. [Dkt. No. 90]. As of October 25, 2010, the defendants have not filed any responsive pleadings or otherwise responded to Microsoft's Complaint or Renewed Motion for Default Judgment [Dkt. 84], nor have the defendants filed any objections to the Report.

In his Report, the magistrate judge correctly found that this Court has subject matter jurisdiction over this civil action

under 28 U.S.C. §§ 1331 and 1367, and personal jurisdiction over the defendants because the domain registry, VeriSign, Inc., is based in the district. Venue is proper under 28 U.S.C. § 1391(b) because a domain name is deemed to have its situs in the judicial district in which the domain name registry that registered or assigned the domain name is located.

Having fully reviewed the Report, case file, and Microsoft's Renewed Motion for Default Judgment, the Court adopts the proposed findings of fact and conclusions of law contained in the Report as its own.

Accordingly, Microsoft's Renewed Motion for Default Judgment [Dkt. 84] is GRANTED and it is hereby

ORDERED and ADJUDGED that a default judgment be and is entered in favor of Microsoft Corporation against defendants John Does 1-27, and it is further

ORDERED that the preliminary injunction entered by the Court on March 10, 2010 be and is converted into a permanent injunction, thereby enjoining the John Doe defendants and their officers, directors, principals, agents, servants, employees, successors, assigns, and all persons and entities in active concert or participation with them, from engaging in any of the activity complained of in this action or from causing any of the injury complained of in this action and from assisting, aiding or abetting any other person or business entity in engaging in or

performing any of the activity complained of in this action or from causing any of the injury complained of in this action, and it is further

ORDERED that VeriSign, Inc. transfer the 276 Botnet Domains listed in Appendix A of the Report, which are also attached to this Order, to a registrar of Microsoft's choosing that will transfer the registration of the Botnet Domains to Microsoft, and it is further

ORDERED that the bond posted by Microsoft be and is released.

To appeal this decision, the defendants must file a Notice of Appeal in writing with the Clerk of this Court within thirty (30) days of receipt of this Order. Failure to file a timely Notice of Appeal waives the right to appeal this decision.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 in favor of the plaintiff against defendants John Does 1-27 and to forward copies of this Order to counsel of record for the plaintiff, VeriSign, Inc., and the defendants at their addresses of record.¹

Entered this 26th day of October, 2010.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge

¹To ensure that every effort has been made to communicate this decision to the defendants, plaintiff is directed to post a copy of this Order on www.noticeofpleadings.com within 10 days of receipt of this Order.

Appendix A

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| 1. bestchristmascard.com | 31. newmediayearguide.com |
| 2. bestmirabella.com | 32. newyearcardcompany.com |
| 3. bestyearcard.com | 33. newyearcardfree.com |
| 4. blackchristmascard.com | 34. newyearcardonline.com |
| 5. cardnewyear.com | 35. newyearcardservice.com |
| 6. cheapdecember.com | 36. smartcardgreeting.com |
| 7. christmaslightsnow.com | 37. superchristmasday.com |
| 8. decemberchristmas.com | 38. superchristmaslights.com |
| 9. directchristmasgift.com | 39. superyearcard.com |
| 10. eternalgreetingcard.com | 40. themirabelladirect.com |
| 11. freechristmassite.com | 41. themirabellaguide.com |
| 12. freechristmasworld.com | 42. themirabellahome.com |
| 13. freedecember.com | 43. topgreetingsite.com |
| 14. funnychristmasguide.com | 44. whitewhitechristmas.com |
| 15. greatmirabellasite.com | 45. worldgreetingcard.com |
| 16. greetingcardcalendar.com | 46. yourchristmaslights.com |
| 17. greetingcardgarb.com | 47. yourdecember.com |
| 18. greetingguide.com | 48. yourmirabelladirect.com |
| 19. greetingsupersite.com | 49. yourregards.com |
| 20. holidayxmas.com | 50. youryearcard.com |
| 21. itsfatherchristmas.com | 51. bestbarack.com |
| 22. justchristmasgift.com | 52. bestbaracksite.com |
| 23. lifegreetingcard.com | 53. bestobamadirect.com |
| 24. livechristmascard.com | 54. expowale.com |
| 25. livechristmasgift.com | 55. greatbarackguide.com |
| 26. mirabellaclub.com | 56. greatobamaguide.com |
| 27. mirabellamotors.com | 57. greatobamaonline.com |
| 28. mirabellaneews.com | 58. jobarack.com |
| 29. mirabellaonline.com | 59. superobamadirect.com |
| 30. newlifeyearsite.com | 60. superobamaonline.com |

61. thebaracksite.com
62. topwale.com
63. waledirekt.com
64. waleonline.com
65. waleprojekt.com
66. goodnewsdigital.com
67. goodnewsreview.com
68. linkworldnews.com
69. reportradio.com
70. spacemynews.com
71. wapcitynews.com
72. worldnewsdot.com
73. worldnewseye.com
74. worldtracknews.com
75. bestgoodnews.com
76. adorelyric.com
77. adorepoem.com
78. adoresongs.com
79. bestadore.com
80. bestlovelong.com
81. funloveonline.com
82. youradore.com
83. yourgreatlove.com
84. orldlovelife.com
85. romanticsloving.com
86. adoresong.com
87. bestlovehelp.com
88. chatloveonline.com
89. cherishletter.com
90. cherishpoems.com
91. lovecentralonline.com
92. lovelifeportal.com
93. whocherish.com
94. worldlovelife.com
95. worshiplove.com
96. yourteamdoc.com
97. yourdatabank.com
98. alldatanow.com
99. alldataworld.com
100. cantlosedata.com
101. freedoonline.com
102. losenowfast.com
103. mingwater.com
104. theworldpool.com
105. wagerpond.com
106. beadcareer.com
107. beadworkdirect.com
108. bestcouponfree.com
109. bestmazdadealer.com
110. bluevalentineonline.com
111. buymazdacars.com
112. codecouponsite.com
113. deathtaxi.com
114. funnyvalentinessite.com
115. greatcouponclub.com
116. greatmazdacars.com
117. grcatsalesavailable.com
118. greatsalesgroup.com
119. greatsalestax.com
120. greatsvalentine.com
121. greatvalentinepoems.com
122. macride.com

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| 123. mazdaautomotiveparts.com | 154. bestusablog.com |
| 124. mazdacarclub.com | 155. blogginhell.com |
| 125. mazdaspeedzone.com | 156. blogsitedirect.com |
| 126. netcitycab.com | 157. boarddiary.com |
| 127. petcabtaxi.com | 158. breakingfreemichigan.com |
| 128. smartsalesgroup.com | 159. breakinggoodnews.com |
| 129. superpartycab.com | 160. breakingkingnews.com |
| 130. supersalesonline.com | 161. breakingnewsfm.com |
| 131. thecoupondiscount.com | 162. breakingnews1td.com |
| 132. themazdacar.com | 163. debtbgonesite.com |
| 133. themazdaspeed.com | 164. easyworldnews.com |
| 134. thevalentinelovers.com | 165. extendedman.com |
| 135. thevalentineparty.com | 166. farboards.com |
| 136. wirelessvalentineday.com | 167. fearalert.com |
| 137. workcaredirect.com | 168. globalantiterror.com |
| 138. workhomegold.com | 169. gonesite.com |
| 139. worklifedata.com | 170. longballonline.com |
| 140. yourcountycoupon.com | 171. mobilephotoblog.com |
| 141. yourmazdacar.com | 172. photoblogsite.com |
| 142. yourmazdatribute.com | 173. residencehunter.com |
| 143. yourvalentineday.com | 174. terroralertstatus.com |
| 144. yourvalentinepoems.com | 175. terrorfear.com |
| 145. againstfear.com | 176. terrorismfree.com |
| 146. antiterroralliance.com | 177. themostrateblog.com |
| 147. antiterroris.com | 178. tntbreakingnews.com |
| 148. antiterrornetwork.com | 179. urbanfear.com |
| 149. bayhousehotel.com | 180. usabreakingnews.com |
| 150. bestblogdirect.com | 181. yourbreakingnew.com |
| 151. bestbreakingfree.com | 182. yourlength.com |
| 152. bestjournalguide.com | 183. yourlol.com |
| 153. bestlifeblog.com | 184. yourwent.com |

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|--------------------------|----------------------------------|
| 185. bakeloaf.com | 216. biumer.com |
| 186. chinamobilesms.com | 217. entrank.com |
| 187. coralarm.com | 218. fireholiday.com |
| 188. downloadfreesms.com | 219. fireworksholiday.com |
| 189. freecolorsms.com | 220. fireworksnetwork.com |
| 190. freeservesms.com | 221. fireworkspoint.com |
| 191. fryroll.com | 222. freeindependence.com |
| 192. goldfixonline.com | 223. gemells.com |
| 193. lastlabel.com | 224. handyphoneworld.com |
| 194. miosmsclub.com | 225. happyindependence.com |
| 195. moneymedal.com | 226. holidayfirework.com |
| 196. nuovosms.com | 227. holidaysfirework.com |
| 197. screenalias.com | 228. holifireworks.com |
| 198. smsclubnet.com | 229. interactiveindependence.com |
| 199. smsdiretto.com | 230. miosmschat.com |
| 200. smspianeta.com | 231. movie4thjuly.com |
| 201. tagdebt.com | 232. moviefireworks.com |
| 202. virtualesms.com | 233. movieindependence.com |
| 203. wealthleaf.com | 234. movies4thjuly.com |
| 204. yourbarrier.com | 235. moviesfireworks.com |
| 205. discountfreesms.com | 236. moviesindependence.com |
| 206. eccellentesms.com | 237. outdoorindependence.com |
| 207. freesmsorange.com | 238. smophi.com |
| 208. ipersmstext.com | 239. superhandycap.com |
| 209. morefreesms.com | 240. thehandygal.com |
| 210. nuovosmsclub.com | 241. video4thjuly.com |
| 211. primosmsfree.com | 242. videoindependence.com |
| 212. smsinlinea.com | 243. yourhandyhome.com |
| 213. smsluogo.com | 244. yusitymp.com |
| 214. superioresms.com | 245. aweleon.com |
| 215. 4thfirework.com | 246. bedioger.com |

247. bicodehl.com
248. birdab.com
249. cismosis.com
250. crucism.com
251. cycloro.com
252. encybest.com
253. favolu.com
254. framtr.com
255. frostep.com
256. gumentha.com
257. hindger.com
258. hornalfa.com
259. noloid.com
260. nonprobs.com
261. oughwa.com
262. painkee.com
263. pantali.com
264. pathoph.com
265. prerre.com
266. purgand.com
267. rascop.com
268. sodanthu.com
269. specipa.com
270. tabatti.com
271. tatumen.com
272. thingre.com
273. tobeyew.com
274. broadwo.com
275. houreena.com
276. cyanian.com